S.B.CRIMINAL MISC. BAIL APPLICATION NO.516/2007
(Mukesh vs. State of Rajasthan)

DATE OF ORDER : July 05, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Ramesh Purohit, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

The only case against the petitioner is that a motorcycle was purchased by his father and got it registered in the name of the petitioner but his father has been using the motorcycle since its purchase and at the relevant time, his father was alleged to have been carrying the contraband opium on the said motorcycle without knowledge or conveyance of the petitiner and, therefore, according to counsel, there is no involvement of the petitioner with the commission of crime. Even there is no involvement of the petitioner to get the motorcycle registered in his name.

Learned Public Prosecutor failed to point out any evidence against the petitioner except registration of motorcycle in his name.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Mukesh s/o Ganpat Lal Kumawat arising out of Sessions Case No.31/2007, pending before the Special Judge, N.D.P.S. Act, Cases, Pratapgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-